

EXHIBIT F

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN O'HARA,

17-cv-4766 (ILG) (SMG)

Plaintiff,

-against-

SUBPOENA DUCES TECUM

THE CITY OF NEW YORK, PATRICIA L. HYNES, as
Administrator of the Estate of Charles J. Hynes,
ASSISTANT DISTRICT ATTORNEY JOHN P. O'MARA,
ASSISTANT DISTRICT ATTORNEY ANGELO M.
MORELLI, ASSISTANT DISTRICT ATTORNEY DINO
AMOROSO, DISTRICT ATTORNEY INVESTGATOR
ALLEN PRESSER, ASSEMBLYMAN JAMES F. BRENNAN,
JOHN W. CARROLL, ESQ., JOHN KEEFE and JEFFREY WAITE,
ESQ.

Defendant.
-----X

THE PEOPLE OF THE STATE OF NEW YORK

To: Kings County District Attorney's Office
350 Jay Street
Brooklyn, NY 11201

To the Person Summoned: You are commanded to make available the documents and tangible items designated and described below:

1. The complete contents of the files of the Kings County District Attorney's Office ("KCD AO") in the matter of *People v. O'Hara*, Indictment No. 13525/1996 (Kings County);
2. Any and all records related to the above-referenced matter that are in the custody or control of the KCD AO but not in these case files.

For the above-reference matter, this request includes but is not limited to:

- a. Any and all information, including documents, reports, memo book entries, logs, bulletins, correspondence or emails regarding Quetzal Martinez a/k/a Quetzal Sanchez Martinez, 553 47th Street, Brooklyn, NY 11220, DOB: 9-30-1958, SS#: 124-48-6913, NYSID#: 3825328Z, FBI#: 856087N4.

OFFICE OF
DISTRICT ATTORNEY
KINGS COUNTY

Miss Pacy
9:02 am

- b. Any and all information, including documents, reports, memo book entries, logs, bulletins, correspondence or emails regarding Rafael Munoz, 553 47th Street, Brooklyn, NY 11220, DOB: 12-22-1964, SS#: 119-58-8677, NYSID#: 4707050P.
- c. Any and all information, including documents, reports, memo book entries, logs, bulletins, correspondence or emails regarding Roberto Lozano, 553 47th Street, Brooklyn, NY 11220, DOB: 8-25-1959, SS#: 682-06-1730, NYSID#: 4646397M, FBI#: 114463V3.
- d. charging instruments, including, if any, the felony complaint, the criminal complaint, and the indictment and any drafts of such instruments;
- e. Voluntary Disclosure Forms and other evidence documenting disclosures made in the case, and all material that was disclosed or requested as Giallo, Vilardi, Rosario, Brady or Article 240 material;
- f. trial exhibits, hearing transcripts, sentencing transcripts, post-conviction hearing transcripts, motion papers by both sides, and court decisions;
- g. material witness applications and warrants, and records concerning witness protection, payments, relocation, or other benefits;
- h. reports, worksheets, vouchers, indexes, memo book entries, logs, bulletins, correspondence, emails, audiotapes, videotapes, transcripts, notes, memoranda, receipts, forensic testing requests, latent print requests, firearms operability testing requests, and results, witness statements, and other records maintained and prepared by KCDAO Detective-Investigators and any record generated by the New York City Police Department and the Office of the Chief Medical Examiner in the possession, custody and control of the KCDAO;
- i. communications to and from the New York City Police Department concerning the case, including letters, emails, faxes, and other correspondence;
- j. communications between and among KCDAO personnel and any third party (including but not limited to government officials, other prosecutors, attorneys, and journalists) relating to the above-referenced matter;
- k. communications between KCDAO personnel and the New York State Board of Parole relating to John O'Hara;
- l. All records in the possession, custody or control of the KCDAO concerning the post-conviction proceedings related to the conviction under Indictment No. 13525/1996 including but not limited to the following: any written or oral records related to direct appeals, motions to set aside the verdict, writs of habeas corpus, or internal investigations related to a re-investigation of Indictment No. 13525/1996;
- m. All records in the possession, custody or control of the KCDAO concerning any investigation into any uncharged individuals, whether identified by name or not, as to whether said individual(s) other than John O'Hara was involved in the aforementioned crime;

- n. For any record outlined in this subpoena duces tecum that was known to the KCDAO but can no longer be produced as it is lost or destroyed, identify it as such and produce all documentary evidence supporting such assertions;
- o. Pursuant to CPLR § 3122-a, all records produced pursuant to the subpoena duces tecum shall be accompanied by a certification, sworn in the form of an affidavit by a custodian in charge of maintaining the records, as required under this provision;
- p. Pursuant to CPLR 3122-b, any documents withheld shall be noted with specificity required under this provision;
- q. The Plaintiff, JOHN O'HARA has waived his rights under CPL § 160.50, thereby allowing disclosure of these records to the above attorneys. See attached authorization. However, in any case the Court directs production of such documents regardless of any remaining privacy interests;
- r. Unredacted CRU report (Undated);
- s. Any and all memos in KCDAO file that New York State Board of Elections Counsel Jeffrey Wait submitted to Board of Elections Commissioners to start investigation;
- t. All notes and recordings pertaining to the Conviction Review Unit former Chief Hale recorded interviews with O'Mara;
- u. All notes on surveillance by DA investigator Alan Presser and his work with NYPD Detective Lt. Cincotta's squad from Brooklyn's 66th Precinct that conducted surveillance on John O'Hara in 1996;
- v. All emails in KCDAO regarding the John O'Hara case.
- w. Any and all motions, petitions, affidavits, affirmations including but not limited to O'Mara affirmation requesting a subpoena to unseal the 1994 election trial record;
- x. Jack Carroll's private investigation file prepared by Niel Spunjin;
- y. Any and all information including but not limited to criminal records of Roberto Lozano and Rafael Munoz, any benefit or accommodation that was received by either individual in exchange for testimony at three (3) trials.
- z. Any notes memorandum etc generated by a meeting held between Brennan, Keefe, ADA Angelo Morelli and ADA John O'Mara.
- aa. Any and all correspondence, memos, writings, electronic mail between defendants Carroll, Keefe, Brennan, ADA Anne Swern, David Vale and ADA Morelli regarding the investigation/prosecution.
- bb. Any and all electronic messages including but not limited to the email accounts of DA Charles Hynes, ADA Angelo Morelli, ADA Dino Amaroso, ADA John

O'Mara, DA Investigator Allen Presser, David Vale and ADA Anne Swern relating to the investigation.

- cc. Any record of a complaint filed by John Carroll on or about May 28, 1996 filed at the 66th Precinct by Detectives Messing and Esposito.
- dd. Any and all information, including documents, reports, memo book entries, logs, bulletins, correspondence or emails regarding and housing arrangements or asset forfeiture money for Quetzal Martinez a/k/a Quetzal Sanchez, Rafael Munoz and Roberto Lozano.
- ee. Any all information, including documents, reports, memo book entries, logs, bulletins, correspondence or emails regarding emails and documents from ADA Anne Swern relating to the investigation.

At the law offices of Kelly, Grossman & Kerrigan, LLP, located at 1248 Montauk Highway, West Islip, NY 11795 on March 11, 2022 to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of John O'Hara.

Dennis Kelly, Esq.
Name of Attorney

2205151
New York State Bar Number

1248 Montauk Highway
Office Address

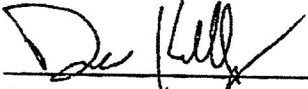
631-314-4996
Telephone Number

West Islip, NY 11795
City, State & Zip Code

516-686-6771
Facsimile Number of Attorney

February 11, 2022
Date Issued

dkelly@kgkfirm.com
Email Address of Attorney

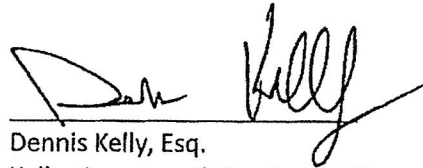

Signature of Attorney

To the Person Summoned:

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

FAILURE TO COMPLY with this subpoena is punishable as contempt of court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

Dated: West Islip, New York
February 11, 2022

A handwritten signature in black ink, appearing to read "Dennis Kelly", is written over a horizontal line.

Dennis Kelly, Esq.
Kelly, Grossman & Kerrigan, LLP
Attorney for Defendant
1248 Montauk Highway
West Islip, New York 11795
(631) 314-4996